

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Jay Neeper

v.

Case No. 11-cv-135-PB

NH State Prison, Warden

ORDER

For the reasons set forth in my order granting defendant's motion for summary judgment, Jay Neeper has not "made a substantial showing of the denial of a constitutional right," 28 U.S.C. § 2253(c)(2). Accordingly, I decline to issue a certificate of appealability. Petitioner may, seek such a certificate from the court of appeals under Federal Rule of Appellate Procedure 22(b). See Rule 11, Federal Rules Governing Section 2254 Cases (2010); 28 U.S.C. § 2253(c).

SO ORDERED.

October 19, 2011

/s/ Paul Barbadoro
Paul Barbadoro
United States District Judge

cc: Counsel of Record